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ORDINANCE NUMBER 2773

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT – INTERIM USE BEGINNING ON MAY 29, 2004, AND EXPIRING ON OCTOBER 31, 2004, TO ALLOW THE OPERATION OF A FARMERS MARKET WITHIN THE PLANNED DEVELOPMENT NUMBER 70 ZONING DISTRICT (PD-70) AT 12731 DENTON DRIVE; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and State Law with reference to the granting of changes in the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, and

WHEREAS, the applicant in Zoning Case #04-SU-07 has agreed to be bound by the terms of their application for zoning and the provisions contained in the Zoning Ordinance concerning the granting of a specific use permit - interim use; and

WHEREAS, the applicant has committed that the value of any improvements to be constructed or installed pursuant to this ordinance will be fully amortized prior to the expiration of the specific use permit - interim use; and

WHEREAS, the City of Farmers Branch City Council is of the opinion that in order to protect the public health, welfare, and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, be and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a specific use permit - interim use beginning on May 29, 2004 and expiring on October 31, 2004, to allow the operation of a farmers market within a Planned Development Number Seventy (PD-70) zoning district at 12731 Denton Drive on the property shown on the attached Exhibit "A".

SECTION 3. That this specific use permit - interim use shall be operated in compliance with the approved site plan attached as Exhibit "A" and with the conditions as follows:

1. That the farmers market shall be permitted to operate on Wednesday and Saturday of each week between the hours of 8:00 a.m. and 5:00 p.m., or until sold out.
2. The metal frame awning structure may remain on the site at the location shown on the site plan on the days that the farmers market is not in operation for the period beginning May 29, 2004 through October 31, 2004.

3. The metal awning frame structure, and the awning and sign, shall be removed from the site when the specific use permit-interim use expires on October 31, 2004, or when the use of the property is no longer needed, whichever occurs first.

SECTION 4. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as amended herein.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

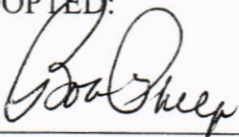
SECTION 6. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance and as the law in such case provides.

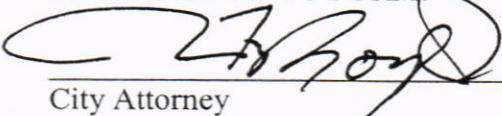
Duly passed by the City Council of the City of Farmers Branch, on this the 25th day of May, 2004.

ADOPTED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

EXHIBIT A

